



image 1634

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DOCKET NO.: 9558-003-27

ASSISTANT COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

Re: Serial No.: 09/865,579
Applicant(s): Toshiki TAYA et al.
Filing Date: May 29, 2001
For: OLIGONUCLEOTIDES AND METHOD FOR DETECTION OF MECA
GENE OF METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS
Group Art Unit: 1634
Examiner: Juliet C. Einsmann

SIR:

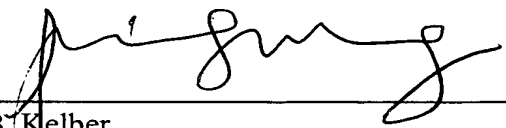
Attached hereto for filing are the following papers:

**LETTER
INFORMATION DISCLOSURE STATEMENT
FORM PTO-1449**

Our check in the amount of \$ 0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 50-1442. Further, if these papers are not considered timely filed, then a request is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

PIPER RUDNICK LLP



Steven B. Kelber
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DOCKET NO. 9558-003-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Toshiki TAYA et al.

ART UNIT: 1634

SERIAL NO.: 09/865,579

EXAMINER: Juliet C. Einsmann

FILING DATE: May 29, 2001

FOR: OLIGONUCLEOTIDES AND METHOD FOR DETECTION OF MECA GENE
OF METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS

LETTER

ASSISTANT COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

Pursuant to the Information Disclosure Statement filed September 4, 2003, the Information Disclosure Statement, including the Transmittal Letter and PTO-Form 1449, were inadvertently filed with the incorrect Serial Number of 09/865,527. The correct Serial Number of the application, as noted above, is **09/865,579**.

Therefore, the Information Disclosure Statement is being resubmitted without the references listed on the PTO-1449. In the event that the cited documents are unable to be located and associated with the current Information Disclosure Statement, the Examiner is asked to advise us and the references will be immediately forwarded.

Respectfully submitted,

PIPER RUDNICK LLP

Steven B. Kelber
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION: Toshiki TAYA et al.

GROUP ART UNIT: 1634

SERIAL NUMBER: 09/865,579

EXAMINER: Juliet C. Einsmann

FILED: May 29, 2001



FOR: OLIGONUCLEOTIDES AND METHOD FOR DETECTION OF MECA GENE OF METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS

RESUBMISSION OF INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97

Assistant Commissioner for Patents
PO BOX 1450
ALEXANDRIA, VA 22313-1450

Sir:

Applicant(s) wish(es) to disclose the following information.

REFERENCES

- Applicant(s) wish(es) to make of record the documents listed on the attached Form PTO-1449. Copies of the listed documents are attached, where required, as are either statements of relevancy or any readily available full or partial English translations of any non-English-language documents.

RELATED CASES

- Attached is a list of Applicant's(s') pending applications and issued patents which may be related to the present application. Copies of the documents, where required, are attached along with Form PTO-1449.

CERTIFICATION

The undersigned certifies that

- each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign or international patent office in a counterpart foreign or international application for the first time (to the knowledge of the undersigned, having made reasonable inquiry) not more than three months prior to the filing of this statement.
- no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign or international patent office in a counterpart foreign or international application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this statement.

BASIS FOR CONSIDERATION

This Information Disclosure Statement is filed:

- without fee and within three months of the filing date of the application.
- without fee and within three months of the date of entry of the U.S. national stage.
- without fee and before the mailing date of a first Office Action on the merits (to the knowledge of the undersigned).
- without fee and with the appropriate certification above.
- without fee and with a new CPA application.
- without fee and with a Request for Continued Examination.
- with fee and before the mailing date of any of a Final Office Action, Notice of Allowance or an action that otherwise closes prosecution (to the knowledge of the undersigned).
- with fee, appropriate certification above, and before payment of the Issue Fee.

DEPOSIT ACCOUNT

- Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to Deposit Account No. 50-1442.

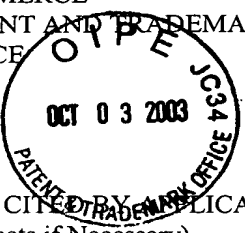
Respectfully submitted,

PIPER RUDNICK LLP

Steven B. Kelber
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| Form PTO 1449 (Modified) | | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | DOCKET NO. 9558-003-27 | | SERIAL NO. 09/865,579 | |
| LIST OF REFERENCES CITED BY APPLICANT (Use Several Sheets if Necessary) | |  | | APPLICANT Toshiki TAYA et al. | | | |
| | | | | FILING DATE May 29, 2001 | | GROUP ART UNIT 1634 | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| | | DOCUMENT NUMBER | DATE | COUNTRY | | TRANSLATION YES NO | |
| | AA | WO 95/13395 | 05/1995 | WIPO | | YES | |
| | AB | WO 99/01572 | 01/1999 | WIPO | | | NO |
| | AC | EP 0 639 647 | 02/1995 | EPO | | YES | |
| | AD | EP 1 035 214 | 09/2000 | EPO | | YES | |
| OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | |
| | AE | <u>M.D. Song, et al.</u> , "Evolution of an inducible penicillin-target protein in methicillin-resistant Staphylococcus aureus by gene fusion", FEBS LETTERS, NETHERLANDS, 31 August 1987, Vol. 221, No., pages 167-171. | | | | | |
| | AF | <u>Steven M. Salisbury et al.</u> , "Identification of methicilli-resistant staphylococci by multiplex polymerase chain reaction assay", AMERICAN JOURNAL OF CLINICAL PATHOLOGY, Vol. 107, No. 3, 1997, pages 368-373. | | | | | |
| | AG | <u>Shohei Kagawa et al.</u> , "MRSA-detection of mecA and its regulatory genes", RINSHO BYORI, THE JAPANESE JOURNAL OF CLINICAL PATHOLOGY, November, 1993, Vol. 41, No. 11, pages 1223-1231. | | | | | |
| | AH | <u>T. Ito, et al.</u> , "Cloning and nucleotide sequence determination of the entire mec DNA of pre-methicillin-resistant Staphylococcus aureus N315", ANTIMICROBIAL AGENTS AND CHEMOTHERAPY, Vol. 43, No. 6, June, 1999, pages 1449-1458. | | | | | |
| EXAMINER | | | | | DATE CONSIDERED | | |
| *EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant. | | | | | | | |